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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,943	09/27/2001	Dipl.-Ing. Rene Holzer	0009591-0002	5064

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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/966,943

Applicant(s)

HOLZER ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/27/02</u> . | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-18 are pending.

***Claim Rejections - 35 USC § 112***

2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: multihome).
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: (i.e.: multihome).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gadish [6,202,087 B1].
5. As per claim 1, Gadish discloses an apparatus for a retrieval of alternative data in the case of a faulty request of a client to a server in a packet-based network [Gadish, replacement of error messages with non-error message, abstract],

a. with a network interface which enables a data stream between the client and the server to be analyzed [Web browser and HTTP server with multimedia, col 2 line 65-col 3 line 14],

b. with a processing unit which checks the data stream following the request of the client, wherein a data pattern that indicates an error message from the server is blocked and replaced by alternative data, wherein said alternative data depends on the content and type of request, wherein said alternative data will be sent to the client using the network interface [an error message is replaced by non-error message, col 5 lines 23-40; type of content, col 5 lines 47-59].

6. As per claim 2, Gadish discloses an apparatus for a retrieval of alternative data, in particular a proxy, in the case of a faulty DNS or URL request of a client to a server in a IP network [IP address, URL, col 3 lines 22-36],

a. with a network interface which enables a IP data stream between the client and the server to be analyzed [Web browser and HTTP server with multimedia, col 2 line 65-col 3 line 14],

b. with a processing unit which checks the data stream following the DNS or URL request of the client, wherein a data pattern that indicates an error message from the server is blocked and replaced by alternative data, wherein said alternative data is an P address or a HTML page depending on the content and type of request, wherein said alternative data will be sent to the client using the network

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interface [an error message is replaced by non-error message, col 5 lines 23-40; type of content, col 5 lines 47-59, wherein the resource names include an URL, IP address, col 3 lines 22-36].

7. As per claim 3, Gadish discloses said alternative data will be loaded from a database, and wherein said alternative data is determined by searches on the nature, content, and/or type of the request [search through a database, col 6 lines 8-18].

8. As per claim 4, Gadish discloses said database is a common search engine in the internet [search through a database for storing Internet addresses, col 6 lines 8-18].

9. As per claim 5, Gadish discloses said client is a client-computer, which is equipped with a client program, like a web browser, an FTP client, and/or a gopher client, and wherein said server is a Domain-Name-server, a web server, an FTP server, or a gopher server [FTP, col 4 lines 56-61].

10. As per claim 6, Gadish discloses said apparatus is integrated in a proxy, and/or a DNS server, and/or in a client-computer [DNS, col 4 lines 34-55].

11. As per claim 7, Gadish discloses the client's request is recorded to determine said alternative data by a search in said database, and wherein information of the recorded request is used [search through a database, col 6 lines 8-18].

12. As per claim 8, Gadish discloses said alternative data can be alternative domain names, IP addresses, URLs, and/or data from alternative internet servers such as ad-servers, wherein in the case of a faulty DNS request the error message will be replaced by an IP address, and wherein said IP address refers to a second server which provides a second, more specific piece of alternative information [DNS server, HTTP server, col 8 lines 40-52].

13. As per claim 9, Gadish discloses said second server will serve the second alternative data depending on the replaced IP address or depending on the IP address, which shows up on the client's computer [sends the non-error message to said network device, col 7 lines 44-53].

14. As per claim 10, Gadish discloses a process, for the retrieval of alternative data in the case of a faulty request of a client to a server in a packet-based network,

a. with a step in which a stream of data between said client and said server is analyzed [video stream, col 3 lines 15-21],

b. with a further step in which an error message from said server caused by a faulty request of said client is blocked [the error message is intercepted, col 5 lines 23-40],

c. with a further step in which alternative data is produced, depending on the name and/or content of said request [replaced by non-error message, col 5 lines 23-40],

d. with a further step in which said alternative data, not the server's original response, will be sent to the client [sends the non-error message to said network device, col 7 lines 44-53].

15. As per claim 11, Gadish discloses a process, in particular used by a proxy, for the retrieval of alternative data in the case of a faulty DNS request or IJRL request of a client to a server in a IP network,

a. with a step in which data packets between said client and said server are analyzed [DNS packet and header, col 6 lines 19-25],

b. with a further step in which an error message from said server in the case of a faulty request by the client is blocked [the error message is intercepted, col 5 lines 23-40],

c. with a further step in which alternative data in form of an IP address or a HTML page is produced, wherein the alternative data depends on the nature and/or content of said request [replaced by non-error message, col 5 lines 23-40],

d. with a further step in which said alternative data, not the server's original response, will be sent to the client [sends the non-error message to said network device, col 7 lines 44-53].

16. As per claim 12, Gadish discloses the alternative data is loaded from a database, wherein the search is based on information about the request, and wherein the data-

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base can be based on a common search engine in the internet [search through a database for storing Internet addresses, col 6 lines 8-18].

17. As per claim 13, Gadish discloses the client is a computer, which is equipped with a web browser, FTP client, and/or gopher client, and wherein the server is a DNS server, a web server, and/or a gopher server [FTP, col 4 lines 56-61].

18. As per claim 14, Gadish discloses characterized by an integration into a proxy process or a DNS-resolution-process [Firewall, col 8 lines 45-52].

19. As per claim 15, Gadish discloses the request is recorded to enable the search for alternative data based on the recorded information [search through a database for storing Internet addresses, col 6 lines 8-18].

20. As per claim 16, Gadish discloses an error message from a DNS server in response to faulty request will be replaced by an IP address, wherein said IP address refers to a certain error-server, which serves depending on the nature and content of the request a second, more specific piece of alternative data [an error message is replaced by non-error message, col 5 lines 23-40; type of content, col 5 lines 47-59, wherein the resource names include an URL, IP address, col 3 lines 22-36].



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21. As per claim 17, Gadish discloses the second, more specific alternative data is related to the IP address of the error-server [an error message is replaced by non-error message, col 5 lines 23-40; wherein the resource names include an URL, IP address, col 3 lines 22-36], wherein the error-server is multihomed, or the more specific alternative data is related to the IP address, which shows up on the client's computer [sends the non-error message to said network device, col 7 lines 44-53].

22. As per claim 18, Gadish discloses computer readable disk, characterized by a computer loadable data structure, that enables the computer to execute the processes software program, software application, col 4 lines 34-55].

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 6,052,730. Felciano discloses the substituting URLs fro the browser can not display Postscript [col 7].

USP 5,907,680. Nielsen discloses the server replaced the not found URLby the alternative URLs [col 11].

USP 6,092,100. Berstis discloses a web browser detects a URL entered incorrectly the automatically perform a fuzzy search and return a list of URL wherein a user can select the correct URL from the list [abstract].

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24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904.

The examiner can normally be reached on Monday-Thursday from 7:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

***Thong Vu***  
***Patent Examiner***  
***Art Unit 2142***

